

PLANNING & PERMIT CENTER

833 S. Spruce Street Burlington, WA 98233

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ENVIRONMENTAL REVIEW PROCESS

ENVIRONMENTAL REVIEW IS REQUIRED BY THE STATE ENVIRONMENTAL POLICY ACT - KNOWN AS "SEPA"

FEES:

Mitigated Determination of Non Significance = \$550 + \$50/acres>5 Environmental Impact Statement = \$2,800 Amendment to MDNS or Addendum to EIS = \$350 Supplemental EIS = \$1,400

INTRODUCTION

Every major land use action requires environmental review. Environmental review is done at the same time as the review of all other land use permit components, such as plan review, conditional use permit or subdivision. All public hearings and meetings are consolidated so that the total proposal is considered at one time, rather than trying to artificially separate one issue from another.

The state mandated checklist is being revised, but until that lengthy process is complete, any project for which environmental review is required must complete the checklist form attached to this bulletin. For new construction projects, a 4' by 4' Large Sign must also be posted on the property. See the Large Sign Standards for detailed posting requirements.

EXEMPTIONS (refer to BMC 15.12.070)

The first step is to determine whether the proposed project is exempt from environmental review. Contact the Planning Department if you have any questions. In general, the following exemptions apply:

- Construction of any residential structure of nine dwelling units (or less).
- Agricultural structures: 10,000 square feet
- Construction of an office, school, commercial, recreational, service or storage building with 4,000 square feet of gross floor area and with associated parking facilities designed for 20 automobiles.
- Construction of a parking lot designed for 20 parking spaces.
- Grading (excavation or landfill) of 500 cubic yards.
- Demolition of any structure or facility up to the maximum exempt level provided in WAC 197-11-800.
- Replacement, addition of up to 20 percent of gross floor area, alteration or modification of an existing commercial structure, up to 12,000 square feet.

City of Burlington
Environmental Review Process

PROCESS FOR THRESHOLD DETERMINATION

Definition of Environmental Review

Detailed requirements are found in Burlington Municipal Code Chapter 15.12 and 15.13, and the Washington Administrative Code (WAC) regulations for environmental review, WAC 197-11.

A threshold determination is a decision made by the Planning Department that a detailed environmental impact statement is, or is not, required.

A Determination of Significance (DS) requires preparation of a detailed Draft Environmental Impact Statement (DEIS) that is circulated to agencies and notice is provided to properties within 600 feet, followed by a public hearing and then preparation of a Final Environmental Impact Statement (FEIS) in response to comments. A Determination of Significance is not appealable except to court. Most environmental impact statements will be limited in scope to specific identified adverse environmental impacts, such as traffic or loss of wetlands.

Most frequently, a Mitigated Determination of Nonsignificance is prepared. It becomes "mitigated" when conditions are required to reduce or eliminated the adverse environmental impacts to a reasonable extent. The purpose of this process is to reduce the paperwork needed to document the environmental impacts of a project, but not to reduce the amount of environmental review done on the project. If no conditions are necessary, it is simply a Determination of Nonsignificance. This decision is appealable to the City Council and will be heard in conjunction with any other elements of the land use decision that come before them for action.

Public Notice is required for environmental determinations

Actions that require environmental review may result in a significant adverse impact on the environment, and it is for this reason that good public notice is required. This notification is in addition to any other notification that may be required for the land use permit decision.

Notice of application is the broadest notification provided. The steps include the following:

- <u>Post a large sign on the site</u> See the Large Sign Standards for detailed requirements for the sign itself. The sign is required to be 4 feet x 4 feet and can be made of wood or styrofoam core board that is waterproof. The design is standard for all projects except for the specifics about the project. The applicant will furnish the sign.
- *The city will notify adjacent property owners* The project coordinator is required to submit the names and addresses of property owners living directly adjacent to the site, if by chance, they do not see the large sign posted.
- <u>The city will publish notice in the monthly land use bulletin</u> This bulletin is posted in City Hall and mailed out to a large mailing list, providing current information about projects, code amendments and other activities such as meetings of interest.

Comment Period

A fifteen (15) day comment period begins once the Notice of Application is complete. Agencies with jurisdiction or expertise are consulted by mail during the comment period. The comment period will be extended to thirty (30) days if a written request for extension is submitted within the initial fifteen (15) day comment period.

If an environmental impact statement (EIS) is required, then the scoping process begins instead of a comment period. A conference is necessary with the Planning Department to go over this detailed public disclosure procedure, which includes a thirty-day comment period, a public hearing and a fifteen-day appeal period at a minimum.

Appeal Period

At the end of the comment period in cases when an EIS is not required, a Mitigated Determination of Nonsignificance is prepared and notice is sent to all parties of record (persons expressing an interest in the project either by calling, writing or stopping by to review the file). This starts a fifteen (15) day appeal period.

An interested party who wishes to appeal must do so in writing, stating the reasons for the appeal, and filing the request no later than 5:00 p.m. on the last day of the appeal period. When the last day of the appeal period is a Saturday, Sunday of federal or City holiday, the appeal period shall run until five p.m. of the next business day. It is important to state clearly why you feel that the proposed action will have significant adverse environmental impacts. You should take the time to obtain a copy of the environmental information prepared for the project, available at the Planning Department, and review it carefully to identify all possible areas of concern.

By writing an appeal letter, you will become a party of record to the appeal. Opportunities to speak and present your position at the appeal hearing are limited to the parties of record to the appeal, the project proponent, and the city.

If other permit components are appealed or there is a request for further consideration of the action by the City Council, all appeals will be consolidated before the City Council.

The appellants, the applicant for the proposed project and the Planning Department will each have the opportunity to present their case, and to respond to issues raised, as well as answer any questions that the City Council may have. If the City Council remands the project and requires preparation of an environmental impact statement (EIS), any other required public meeting or public hearing on the merits of the proposed project will not be held until the EIS process is completed.

The question that is to be answered by the City Council is whether a detailed environmental impact statement (EIS) should be required to be prepared in order for enough information to be gathered abut the environmental impacts of the proposed project to lead to an appropriate and well informed decision to grant, grant with conditions, or deny the proposed project.



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ENVIRONMENTAL CHECKLIST

Purpose of Checklist:

The State Environmental Policy Act (SEPA), Chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply". Complete answers to the questions now may avoid unnecessary delays later.

Some questions are asked about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for non-project proposals:

Complete the checklist for non-project proposals, even though questions may be answered "does not apply". IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS (part D).

For non-project actions, the references in the checklist to the words "project", "applicant" and "property or site" should be read as "proposal", "proposer", and "affected geographical area", respectively.

A. BACKGROUND

1.	Name of proposed project, if applicable:
2.	Name of applicant:
3.	Address & Phone Number of applicant and contact person:
4.	Date Checklist prepared:
5.	Agency requesting checklist:
6.	Proposed timing or schedule (including phasing, if applicable):
7.	Do you have any plans for future additions, expansions or further activity related to or connected with this proposal? If yes, explain:
8.	List any environmental information you know about that has been prepared, or will be prepared, directly relating to this proposal:
9.	Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property (<i>geographical area</i>) covered by your proposal? If yes, explain:
10.	List any governmental approvals or permits that will be needed for your proposal, if known:
11.	Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in the checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.
	(Lead agencies may modify this form to include additional specific information on project description.)
12.	Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township and range, if known. If a proposal would occur over a range of area, provide the range of boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit application related to this checklist.

B. ENVIRONMENTAL ELEMENTS

a.	General description of the site (check one): Flat Rolling Hilly Steep Slopes Mountainous Other
b.	What is the steepest slope on the <i>site</i> (approximate % slope)?
c.	What general types of soils are found on the site (for example: clay, sand, gravel, peat, mucky)? If you know the classification of agricultural soils, specify them and note any prime farmland.
d.	Are there surfaces indications or history of unstable soils in the immediate vicinity? If so, describe.
e.	Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.
f.	Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
g.	About what percentage of the site will be covered with impervious surfaces after the project construction (for example: asphalt or buildings)?
h.	Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

2. <u>Air</u>

3.

a.	What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.
b.	Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
c.	Proposed measures to reduce or control emissions or other impacts to air, if any:
Wa	<u>iter</u>
a.	Surface:
	1. Is there any surface water body on or in the immediate vicinity of the site (including year-around and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what streams or river it flows into.
	2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.
	3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.
	4. Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.
	5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

	6.	Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.
b.	Gr	ound:
	1.	Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.
	2.	Describe waste material that will be discharged into ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.
c.	Wa	ater Runoff (including stormwater):
	1.	Describe the source of runoff (<i>including storm water</i>) and method of collection and disposal, if any (<i>including quantities, if known</i>). Where will this water flow? Will this water flow into other waters? If so, describe.
	2.	Could waste materials enter ground or surface water? If so, generally describe.
d.	Pro	oposed measures to reduce or control surface, ground and runoff water impacts, if any:
<u>Pla</u>	<u>nts</u>	
a.	Ch	eck types of vegetation found on the site:
		Deciduous trees: alder, maple, aspen, other
		Evergreen trees: fir, cedar, pine, other
	-	Grass
		Pasture Pasture
		Crop or Grain Wat soil plants: cattail buttersup bulrush skunk cabbage other
		Wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other Water plants: water lily, eel grass, milfoil, other
		Other types of vegetation:

4.

b.	What kind and amount of vegetation will be removed or altered?
c.	List threatened or endangered species known to be on or near the site.
d.	Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
<u>An</u>	<u>imals</u>
a.	Check any birds and animals that have been observed on or near the site or are known to be on or near the site:
	Birds: Hawk Heron Eagle Songbirds Other
	Mammals: Deer Bear Elk Beaver Other
	Fish: Bass Salmon Trout Herring Shellfish Other
b.	List any threatened or endangered species known to be on or near the site:
c.	Is the site part of a migration route? If so, explain:
d.	Proposed measures to preserve or enhance wildlife, if any:
<u>En</u>	ergy and Natural Resources
<u>En</u>	what kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the complete project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

6. Energy & Natural Resources

c.	What kinds of energy conservation features are included in the plans of this proposal?	List other
	proposed measures to reduce or control energy impacts, if any:	

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.
 - 1. Describe special emergency services that might be required.
 - 2. Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

- 1. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
- 2. What types and levels of noise would be created by or associated with the project on a short-term or long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
- 3. Proposed measures to reduce or control noise impacts, if any:

8. <u>Land and Shoreline Use</u>

- a. What is the current use of the site and adjacent properties?
- b. Has the site been used for agriculture? If so, describe.
- c. Describe any structures on the site
- d. Will any structures be demolished? If so, what?
- e. What is the current zoning classification of the site?

8.	Land	& Shoreline Use
	f.	What is the current comprehensive plan designation of the site?
	g.	If applicable, what is the current shoreline master program designation of the site?
	h.	Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
	i.	Approximately how many people would reside or work in the completed project?
	j.	Approximately how many people would the completed project displace?
	k.	Proposed measures to avoid or reduce displacement impacts, if any:
	1.	Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
9.	Hou	using
	a.	Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
	b.	Approximately how many units, if any, would be eliminated? Indicate whether high, middle or low-income housing.
	c.	Proposed measures to reduce or control housing impacts, if any:
10.	Aes	<u>sthetics</u>
	a.	What is the tallest height of any proposed structure(s), not including antennas?
		What is the principal exterior building material(s) proposed?
	b.	What views in the immediate vicinity would be altered or obstructed?
	c.	Proposed measures to reduce or control aesthetic impacts, if any:

11. Light and Glare

	a.	What type of light or glare will the proposal produce? What time of day would it mainly occur?
	b.	Could light or glare from the finished project be a safety hazard or interfere with views?
	c.	What existing off-site sources of light or glare may affect your proposal?
	d.	Proposed measures to reduce or control light and glare impacts, if any.
12.	Rec	<u>creation</u>
	a.	What designated and informal recreational opportunities are in the immediate vicinity?
	b.	Would the proposed project displace any existing recreational uses? If so, describe.
	c.	Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:
13.	His	toric and Cultural Preservation
	a.	Are there any places or objects listed on, or proposed for, national, state or local preservation registers known to be on or next to the site? If so, generally describe.
	b.	Generally describe any landmarks or evidence of historical, archeological, scientific, or cultural importance known to be on the site.
	c.	Proposed measures to reduce or control impacts, if any:
14.	Tra	nnsportation
	a.	Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.
	b.	Is site currently served by public transit? If no, what is the approximate distance to the nearest transit stop?
	c.	How many parking spaces would the completed project have? How many would the project eliminate?

14.	Tran	nsportation - continued
	d.	Will the proposal require any new roads or streets, or improvements to the existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).
	e.	Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
	f.	How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
	g.	Proposed measures to reduce or control transportation impacts, if any:
15.	<u>Pub</u>	<u>Dlic Service</u>
	a.	Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.
	b.	Proposed measures to reduce or control direct impacts on public services, if any.
16.	<u>Util</u>	<u>lities</u>
	a.	Check utilities currently available at the site: Water Electricity Natural Gas
		Refuse Service Telephone Sanitary Sewer Septic System Other
	b.	Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.
C.	SIG	<u>SNATURE</u>
		The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.
		Signature
		Date Submitted: 20

D. SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS

(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent of the proposal, or the types of activities likely to result from the proposal, would affect the item at greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

roposed measures to avoid or reduce such increases are:
Iow would the proposal likely to affect plants, animals, fish or marine life?
roposed measures to protect or conserve plants, animals, fish or marine life are:
Iow would the proposal be likely to deplete energy or natural resources?
roposed measures to protect or conserve energy and natural resources are:
low would the proposal be likely to use or affect environmentally sensitive areas or areas designator eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic vers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or time farmlands?

How would the proposal be likely to affect land and shoreline use, including whether it would allow of encourage land or shoreline uses incompatible with existing plans?
Proposed measures to avoid or reduce shoreline and land use impacts are:
How would the proposal be likely to increase demands on transportation or public service and utilities
Proposed measures to reduce or respond to such demand(s) are:
Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirement